

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

UNITED STATES OF AMERICA
upon the relation and for the use of the
Tennessee Valley Authority

PLAINTIFF

V.

NO. 3:22-CV-23-DMB-RP

**AN EASEMENT AND RIGHT-OF-WAY
OVER 2.68 ACRES OF LAND, MORE OR
LESS, IN DESOTO COUNTY,
MISSISSIPPI, et al.**

DEFENDANTS

ORDER

This condemnation action is before the Court on the parties' joint motion for entry of a proposed judgment and order disbursing funds. Because the parties have agreed on an amount constituting just compensation, the motion will be granted.

I
Procedural History

On February 3, 2022, the United States of America, upon the relation and for the use of the Tennessee Valley Authority ("TVA"), filed a complaint in the United States District Court for the Northern District of Mississippi "for the taking of property under the power of eminent domain and for the ascertainment and award of just compensation to the owners and parties in interest." Doc. #1. Specifically, TVA seeks to take for public use an easement and right-of-way over land "located in Section 13, Township 1 South, Range 7 West, of DeSoto County, Mississippi" ("Property"). *Id.* at 1; Doc. #1-1 at 1. The complaint lists as defendants numerous entities and individuals with interests in the Property. Doc. #1 at 2. Also on February 3, TVA filed (1) a Declaration of Taking, Doc. #2, and (2) a Notice of Condemnation identifying the Property and the defendants, Doc. #3.

On February 9, 2022, TVA filed a “Notice of Tendering Deposit” stating that “\$60,600 was delivered to the Clerk of Court by FedEx.” Doc. #7. The same day, TVA also filed “Plaintiff’s Motion for Entry of an Order of Immediate Possession” seeking “entry of an order putting [TVA] into possession of the easement and right-of-way herein condemned.” Doc. #8. On February 11, 2022, \$60,600 was deposited in the Court’s registry. Five days later, the Court granted TVA’s motion for immediate possession of the property. Doc. #12.

On August 22, 2022, on Cedarwood Farms, LLC’s motion,¹ the Court authorized the Clerk of Court to distribute the \$60,600 to Cedarwood but held that no interest should be included with the disbursement. Doc. #36. The same day, TVA notified the Court “of the parties’ settlement” of the action. Doc. #37.

On September 6, 2022, TVA and Cedarwood filed a “Joint Motion for Entry of a Proposed Judgment and Order Disbursing Funds.” Doc. #38. The parties represent that “[t]he sole remaining issue ... is the amount of compensation to be awarded for the property rights that were taken” and the parties agree “(a) the total compensation to be awarded for the condemned property rights shall be \$60,600 plus all accrued interest; (b) [TVA] has deposited with the registry of this Court the sum of \$60,600; and (c) the deposited sum shall be paid” to the defendant. *Id.* at 1. The parties further represent that it is their “intent in implementation of the settlement that the compensation award shall include the deposit plus all interest accrued thereon.” *Id.* at 2.

II **Analysis**

The Fifth Amendment to the United States Constitution provides that private property shall not be taken for public use without just compensation. And just compensation means the full monetary equivalent of the property taken. The owner is to be put in the same position monetarily as he would have occupied if his

¹ Doc. #31.

property had not been taken. The guiding principle of just compensation is that the owner of the condemned property must be made whole but is not entitled to more.

United States v. 0.2853 Acres of Land, No. 3:16-cv-2814, 2018 WL 4103435, at *3 (N.D. Tex. June 5, 2018) (cleaned up).

Based on the terms of the parties' agreement to settle this matter, the parties' joint motion will be granted. *See Fla. Gas Transmission Co., LLC v. +/-0.182 Acres of Land in Putnam Cnty.*, No. 3:21-cv-227, 2021 WL 5566626, at *4 (M.D. Fla. Nov. 29, 2021) (granting motion for stipulated final judgment under parties "confidential settlement agreement that provides for payment of compensation").

III **Conclusion**

The "Joint Motion for Entry of a Proposed Judgment and Order Disbursing Funds" [38] is **GRANTED**. A judgment consistent with the proposed judgment will be issued separately.

SO ORDERED, this 21st day of September, 2022.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE